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ABSTRACT

This speech reviews briefly the emergence of day care licensing standards at the state level and indicates the rapid growth in the number of children served in licensed centers between 1960 and 1972. Also outlined are legislative and regulatory actions leading to the 1979 Federal regulations for day care programs. Long range trends in day care are suggested. (RH)

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Overview - Day Care Standards: Past, Present and Future

Talk by

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Washington, D.C.

I want to express my warm appreciation to Day Care and Child Development Reports for organizing this meeting which brings together so many outstanding people concerned with the immensely important issues on our Seminar's agenda. It provides a welcome opportunity for the sharing of knowledge and viewpoints with respect to Federal state and local day care standards. And I hope agreement can be furthered for action.

May I add special words of praise of the Reports themselves which have been doing a splendid job in keeping readers extremely well informed about developments.

Today, more than 45 percent of all mothers with children under 6 are in the labor force. The percentage has more than tripled since 1950. These mothers have more than 7 million children of their own, of preschool age, for whom day care arrangements are needed. A very large number of additional children also need care - the children of surrogate mothers who are at work, of single parent working fathers, of mothers in work training and study programs, of mothers who are ill, among others.

There are many additional millions of young children of nonworking mothers whose parents wish them to benefit, on a part-day basis, from good preschool education.

Further, there are presently about 15 million children between the ages of 6 and 13 whose mothers are in the labor force, a large proportion of whom need after-school care; many need care before school opens.

A recent study funded by HEW, "Child Care Consumer Study: 1975," by Unco, Inc., reports that various kinds of day care arrangements were then being made for about 40 million children, of whom nearly 12 million received care 10 or more hours a week.

What is happening to this very large proportion of our children who are day care users? How much of the care they receive is developmental? All of it ought to be, for as we know the early years of childhood are of the greatest significance for human development. How much care is merely custodial or actually detrimental? What is needed to assure that our children, our most precicus resource, are not exposed to harmful conditions and experiences? These are questions which have been raised for many years. Increasingly the answers to them indicate that developmental day care standards and their effective enforcement are essential to child welfare and to the interests of society.

Let me briefly review the emergence of day care standards at the state level.

Day care nurseries came into existence in the U.S. as early as the 1830's and slowly increased in number over the next 50 years, providing care almost entirely to children in low-income, broken families. The emergence of the Settlement House movement in the '80's and '90's gave impetus to their expansion. Commercial enterprises also began to enter the field.

Although the number of children receiving day care continued to mount in the earlier years of this century, reaching an estimated total of 23,000 by 1923, few of the 600 centers in which they were enrolled were subject to any control or supervision. Most social workers emphasized the need for funds not to improve day care facilities, but to assist working mothers to stay home.

Because the number of employed mothers remained low, public pressure for center regulation was slow to make itself felt despite the fact that the Children's Bureau, which was established in 1912, and a few voluntary agencies had recognized, even before World War I, the desirability of minimum legal standards.

By 1924, only six states had enacted some sort of regulatory legislationm largely limited to physical safety, and a few cities had established some licensing provisions.

Day care continued to expand in the 20's and 30's. As disturbing conditions were increasingly revealed, interest in regulation began to grow but many legislators and social workers still argued that facility improvement might encourage more mothers to seek employment.

With the advent of World War II and the rapid entry of mothers into the labor force, came increasing demand for services and growing concern for the quality of care. About 3,000 federally assisted day care centers were established during the war, under the Lanham Act. Most were closed after the war ended, except in California and New York City, on the assumption that the labor force participation of mothers would quickly decline. Of course, it didn't. The entry of mothers into jobs has continued to accelerate. The number of day care centers and family day care homes continued to multiply but their capacity has failed to keep pace with need. Good care has always been costly and millions of working mothers, concentrated as they are at the lower end of the wage scale, have been compelled by the growing shortage of adequate services at an affordable price, to rely to a growing degree on unsatisfactory arrangements.

In the 1960's the Children's Bureau intensified its efforts to promote the passage and improve the enforcement of state day care licensing laws. The Social Security Amendments of 1962 also helped by providing funds to be expended for care in licensed facilities. Many national, state and local child advocacy groups pressed strongly for standards and met with a growing measure of success. Between 1960 and 1972 the reported capacity of licensed centers rose from about 140,000 to over 800,000. This did not represent a comparable growth in the number of centers but, rather, to a considerable degree, an increase in the number of existing centers which became licensed. The Unco Child Care Consumer Study, previously referred to, estimated that in 1975 about 900,000 children were enrolled in over 18,000 licensed centers, representing 97 percent of all centers.

Today, every state and the District of Columbia have laws requiring the licensing of day care centers, although there is great variation from state to state in licensing standards and administrative and regulatory procedures.

The Unco report also estimates that in 1975 about 8 million children received day care in the homes of nonrelated providers. About 2.3 million of these children were reported to be in family day care homes for 10 or more hours a week. Although in

mid-1975, 38 states including the District of Columbia required family day care homes to be licensed and an additional nine required certification or approval, the Unco study reported fewer than 10 percent of the children in family day care were enrolled in licensed homes.

While we still have a long way to go before most state statutes come up to the standards regarded by the leading child serving agencies as necessary to assure desirable levels of services and child protection, very real progress has been made during the past decade. Organizational pressure and growing community concern helped achieve improvement. The establishment in 1968 of the Federal Interagency Day Care requirements also played a very significant role, as did the subsequent distribution of two model state day care licensing bills, one sponsored by the HEW and the other endorsed by over 35 national child advocacy groups. Head Start standards also contributed.

What of the future? Urgent challenges confront us. No state retains low quality standards because it likes them. All recognize the sad consequences of poor care. But their dilemma is real. No state has sufficient funds to subsidize needed services and to enable programs throughout the state to meet acceptable standards. Very few states have the funds to assure effective enforcement.

In my judgment heartening further progress would be made were the Congress to authorize grants to the states for the improvement of day care regulation, conditional on their meeting Federal minimum standards. I would hope such grants and increased funding of services would also be contingent on the development of state day care licensing plans, reviewing the current status of licensing and its administration, and setting forth acceptable targets for the future within a stated time frame.

Such an approach would surely go far toward helping to eliminate substandard care throughout the country. It would further the basic rights of children by helping to narrow the major differences which now exist in the various state licensing codes and so assure an acceptable degree of protection and level of services to all children.

Let us turn now to the emergence of Federal day care standards. There were many of us in the Government in the 1960's, especially in the Childrens Bureau and the Women's Bureau, keenly aware of the growing need for child day care services, concerned with the quality of care and with the effective use of Federal day care funding which was beginning to increase significantly. The Social Security amendments of 1962 funded day care as a welfare service. The Head Start program was established in 1964. Other child care assistance programs followed in 1964 under the Housing and Urban Development Act, in 1966 under Model Cities legislation, and in 1967 under the Work Incentive Program (WIN), among other enactments. More significant in their impact were the 1967 amendments of the Social Security Act which under Title IV made available to the states, on a 75:25 percent matching basis, federal grants for social welfare services, including day care for children of past, present, and potential welfare recipients. Such care was to be in facilities licensed or approved in accordance with state standards.

Congress recognized the importance of the sound use of Federal child care funds and the need to assure adequate services when it enacted the 1967 amendments to the Economic Opportunity Act. The amendments called for the coordination of day care programs funded under Title IV of the Social Security Act (now Title XX) and by the Office of Economic Opportunity and mandated a common set of program standards and regulations. In response to this legislation the Federal Interagency Day Care Requirements were promulgated in 1968. I am proud to have played a part in the drafting.

The regulations set group size limits, child-staff ratios, and required that funded facilities be licensed by the State in which located, or be approved as meeting state licensing standards, and be in conformity with state safety,sanitation facility and other suitability requirements. FIDCR also called for the provision of educational opportunities supervised by trained staff, as well as for health, nutritional and social services, parent involvement and program evaluation.

While all too little was done to monitor and enforce these Federal regulations,

as previously pointed out they had a valuable impact in improving state standards. They also led to a considerably higher quality of care in Federally funded programs, on the whole, as compared with those not subsidized.

Congressional action in January 1975 replaced Title IV of the Social Security Act with Title XX, modified the child-staff ratios for school age care, and made the educational components optional rather than mandatory. Subsequently that year HEW established child-staff ratios, not previously in effect, for children under three years of age. Conflicts ensued and in consequence Congress asked the Secretary of HEW to evaluate the apprppriateness of FIDCR and submit its report on findings by June 1977. A few months later Congress suspended the FIDCR staffing standards for preschool age children. Subsequent action extended the suspension over the following years.

HEW requested and received repeated postponements of the dates for submission of the Appropriateness Report. A Report Review Panel was appointed in mid-1977 to react to the Draft Report available in February last year. Critical comments led to comprehensive revision and last July the final report was transmitted to Congress.

The Report held that Federal regulation of Federally funded programs is appropriate and essential to the well-being of the children served. The basic components of the 1978 regulations were viewed as sound, It supported regulations requiring small group size and low child-staff ratios and suggested they be interrelated with other components of quality care, especially caregiver competence.

Most of the components recommended were consistent with 1968 FIDCR standards except that no positive statement of principle was made as to the need for assurance of the delivery of health and social services.

It is heartening that the Report stressed the need for technical assistance to develop effective inservice training of family day care providers.

The Report marshalled evidence supporting more explicit environmental standards than under the 1968 FIDCR.

It stated that "logic would indicate that FIDCR should apply whenever the Federal Government subsidizes day care," instead of being limited in their application.

The important issue now is the extent to which the Reports findings will have affected the drafting of the new regulations presently nearing completion. The new regs are expected to be published in the Federal register within a few weeks. We will hear later this morning from Mr. Libassi, General Counsel of HEW, who has had the key responsibility for writing the new regs and who will undoubtedly give us insight into what we can look forward to. The new Federal regulations which will finally emerge, and which we can all still have a hand in shaping, are of immense importance.

What of the longer range future? I expect very substantial increases in Federal funding of day care services before very long. In this wonderful democracy of ours, despite recurrent frustrations, the will of the people ultimately does make itself felt. It will not be too long before the voices are heard of the parents of 40 or more million children for whom they want day care services. And their numbers are bound to grow. What will result, I believe, will be Congressional recognition of the right of all parents who wish it to quality day care for their children. The importance of preschool education and early childhood services will be accepted no less than the essentiality of a universal public school system. This is not to suggest that I forsee day care takeover by the schools. I don't. I anticipate a wide range of providers. Because a majority of the children cared for will be totally or partially subsidized by Federal funds, I expect providers will adhere gladly to Federal standards because I trust they will serve the best interests of children and society as a whole.

I forsee a close state-Federal working partnership with standards in all the states rising to the model Federal standards will offer, because Federal funds will be available to the states to help them achieve this vital objective.

Someday, I am confident, and in the not too distant future, we will do right by our children and ourselves. Dear Lord, make it soon.